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In the Supreme Court of the United States

OCTOBER TERM, 1971

No. 71-394

STATE OF FLORIDA on the relation of AUSTIN LLOYD and RUBY LLOYD, his wife,

Petitioners,

-vs-

THE CITY OF FORT PIERCE, a municipal corporation,

Respondent.

SUPPLEMENTAL BRIEF

PHILIP G. NOURSE
Attorney for Petitioners
133-A North 4th Street
Fort Pierce, Florida, 33450

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Comes now AUSTIN LLOYD and RUBY LLOYD, his wife, through their undersigned attorney, and pursuant to Rule 24, paragraph 5. of the Rules of the Supreme

Court of the United States, and files this their Supplemental Brief, calling to the attention of the Court other intervening matter not available at the time of the filing of the Petition for Writ of Certiorari, and states, to-wit:

1. That the entry of the decision of the Supreme Court of Florida was not until June 22nd, 1971, when it was filed in the Trial Court (Circuit Court of the 19th Judicial Circuit in and for St. Lucie County, Florida), notwithstanding the fact that the opinion was dated June 1st, 1971. The reason for this was probably to allow for the ten day period for a petition for rehearing or to allow the rentention of jurisdiction for the assessment of costs,

pursuant to Rule 4.5C (6) of the Florida Supreme Court Rules, which states as follows, to-wit:

> "When the case is finally disposed of by the Supreme Court, the Court may order a certified copy of such record, or of the part thereof which the Court deems necessary, filed in the Supreme Court before the original record is returned to the district court of appeal and shall assess the costs thereof in such order."

2. That it was necessary, due to this confusion for counsel herein involved to prepare the"STIPULATED RECORD" since the original record had not been returned to the trial court and STILL has not been so returned, as is evidenced by the letter from the Clerk of the Circuit Court, a copy of

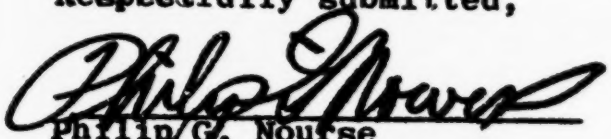
which is attached hereto, marked Appendix "A", and by reference made a part thereof.

3. That the Petition for Writ of Certiorari is hereby amended to request that it be also directed to the District Court of Appeal, Fourth District in the event the United States Supreme Court desires to deal with the Fourth District Court of Appeals in and for the State of Florida rather than the trial court from whom relief must be obtained. The reason for the original request being directed to the trial court was to "speed up" the administration of justice, for "justice delayed is justice denied". In the event the United States Supreme Court

does not approve of the original approach, then these Petitioners would appreciate the alternative approach.

DATED this the 27th day of September, A. D. 1971.

Respectfully submitted,



Philip G. Nourse
Attorney for Petitioners
133-A North 4th Street
Fort Pierce, Florida,
33450

APPENDIX "A"

LETTER

ROGER POITRAS
Clerk of Circuit Court
Saint Lucie County
Drawer 700
Fort Pierce, Florida

September 23, 1971

Philip G. Nourse
133-A North 4th Street
Fort Pierce, Florida 33450

In Re: State of Florida
on the relation of
AUSTIN LOYD and RUBY
LLOYD, his wife vs.
THE CITY OF FORT PIERCE
a municipal corporation
Our Case No. 68-500 -
Appeal Case No. 70-855

Dear Mr. Nourse:

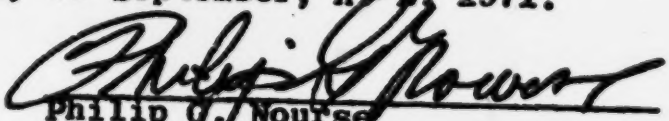
This is to inform you that to date we have not received the above named file back from the Appellant Court.

Yours very truly,

ROGER POITRAS, Clerk
By /s/ Mary Neil, DC

mn

I HEREBY CERTIFY that a copy of the foregoing Supplemental Brief was furnished to Hon. Charles R. P. Brown, Attorney for Respondent, P. O. Box 1418, Fort Pierce, Florida, 33450; and to Hon. Roger Poitras, Clerk of the Circuit Court, St. Lucie County Court House, Fort Pierce, Florida; and to Hon. Evelyn R. Flack, Clerk of the Fourth District Court of Appeals, P. O. Box A, West Palm Beach, Florida, 33402, and to the Hon. Sid J. White, Clerk of the Supreme Court of the State of Florida, Supreme Court Building, Tallahassee, Florida,32304, by mail on this the 28th day of September, A. D. 1971.



Philip C. Nourse
Attorney for Petitioners